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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 8 February 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Guyana to the United Nations addressed to the Chairman of the Committee

I have the honour to refer to your letter of 26 October 2007, through which you encouraged the Government of Guyana to provide to the Security Council Committee established pursuant to resolution 1540 (2004) up-to-date information on the implementation of resolution 1540 (2004).

In this regard, I am pleased to forward herewith the most recent report on the implementation of resolution 1540 (2004) by the Government of Guyana (see annex).

(*Signed*) George **Talbot**
Chargé d'affaires a.i.

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Annex to the letter dated 8 February 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Guyana to the United Nations addressed to the Chairman of the Committee

Guyana report on the implementation of resolution 1540 (2004)*

11 December 2007

The Government of Guyana appreciates the provision of the matrix which assisted in presenting and providing the necessary information to the United Nations Security Council Committee established pursuant to resolution 1540 (2004).

However, since our last report to the United Nations Security Council Committee in 2004, Guyana reaffirms that it still does not manufacture or trade in nuclear, chemical and biological weapons. Furthermore, there are no laws at this time that directly criminalize trafficking in nuclear, chemical and biological weapons.

There is, however, presently an Anti-Money Laundering and Countering the Financing of Terrorism Bill No. 18 of 2007 before a Select Committee of Parliament. This Bill does not directly address the manufacture, acquisition, possession, stockpile, transport, transfer and use of biological, chemical or nuclear weapons or other weapons of mass destruction. However, one of the intentions of this Bill is to prosecute terrorist financing and the forfeiture of the proceeds of crime and terrorist property.

Part V of the Bill deals at length with Combating the Financing of Terrorism and gives the police, customs officer or person authorized by the Director of the Financial Intelligence Unit powers to seize and detain moneys that they have reasonable grounds to suspect are intended to be used for the purposes of terrorism, belong to or are held in trust for a terrorist organization or represent property obtained through acts of terrorism: Clause 67(1).

Further, the Bill by virtue of Clause 68 makes it unlawful for any person, whether directly or indirectly, to provide or collect funds or other property with the intention that they should be used to commit any act intended to cause death or serious bodily injury to any civilian; or to intimidate a population or the government or an international organization to perform or refrain from performing an act of any kind.

It is also unlawful for any person to directly or indirectly, wilfully provide or collect funds or property from any terrorist or terrorist organization or knowing that such funds may be used to commit an act constituting an offence in regard to and in accordance with the definition of one of the treaties listed in the Annex to the International Convention for the Suppression of Financing of Terrorism, to which Guyana is a party: Clause 68. Additionally, it is an offence to deal with terrorist property, where that person retains a terrorist's property, assists in the concealment, removal from the jurisdiction or transfers to any other person such property: Clause 70.

* The texts of the regulatory instruments are on file with the Secretariat and are available for consultation.

The Financial Intelligence Unit established under this Bill has the powers to compile a report to be sent to the Director of Public Prosecutions where there is reasonable grounds to suspect that a transaction involves money-laundering, proceeds of crime or terrorist financing: Clause 9. This Bill will repeal an earlier Money Laundering (Prevention) Act 2000 which did not include any aspect of counter-terrorism.

The Explosives Act Chapter 16:06 of Guyana deals with the regulation of importation, storage, carriage and sale of gunpowder and other explosive substances.

Explosives is defined under this Act to mean, "gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powder, fulminate of mercury or of other metal and every other substance whether similar to those above-mentioned or not, used or manufactured with a view to producing a practical effect by explosion, or a pyrotechnic effect; and includes fuses, detonators and any adaptation or preparation of an explosive as herein defined but does not include safety cartridges": Section 2.

The Minister has the authority to designate any place or ship in Guyana to be a magazine for the storage of explosives and to set out the general rules governing such magazines: Sections 4 and 6. Presently, there are three (3) such storage magazines as set out in the Explosives (Subsidiary Legislation) Chapter 16:06. The Minister also has the discretion to prohibit the importation or exportation of explosives and only a wholesale dealer or a person authorized on that behalf by the Minister shall import explosives into Guyana: Sections 9 and 10 respectively.

Further, the Explosives Regulations Chapter 16:06 details the procedures for importation and trans-shipment of explosives; and the keeping, packing and mode of conveyance of explosives.

The Explosives (Sale, Purchase and Possession) Regulations Chapter No. 17 of 1954 addresses the issuing of a permit for the acquisition and sale of explosives. Section 8 specifically states that a person cannot use any explosive except for the purposes and at the place specified in the permit issued in respect thereof.

The Firearms Act Chapter 16:05 of Guyana makes provisions for the importation, sale, possession and use of firearms and ammunition and also for the registration and licensing of such firearms.

Firearm is defined to mean "any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon and anything else declared by order of the Minister to be a firearm": Section 2.

In Guyana, no firearms or ammunition can be imported by sea or air except at a prescribed port or at a prescribed aerodrome: Section 12. And all such firearms or ammunitions imported must be deposited at the police station nearest to the point at which the Guyana frontier was crossed by the person bearing, or in control of, such firearm or ammunition: Section 13. Neither are persons allowed to remove from a customs warehouse or from a police station any firearm unless and until such firearm has been engraved, or otherwise been clearly marked and bearing a valid

firearm licence authorizing the possession of such firearm or a firearms dealer's certificate: Sections 14 and 15.

The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act No. 3 of 1999 amended the Narcotic Drugs and Psychotropic Substances Control Act to include offences relating to precursor chemicals. Section 15A states that it is an offence to manufacture, have in the possession, transport or supply any person with any substance referred to in the Fourth Schedule. The Fourth Schedule lists thirty-six (36) precursor chemicals and includes the salts of the substances whenever the existence of such salts is possible.

Section 15B of the said amendment gives the Minister power to add and delete substances to the Fourth Schedule.